

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE V.GIRI

TUESDAY, THE 16TH OCTOBER 2007 / 24TH ASWINA 1929

WP(C).No. 30215 of 2007(V)

PETITIONER:

K.V.PATHROSE, HEAD CLERK,
IRRIGATION NORTH SUB DIVISION,
KOZHIKODE.

BY ADV. SRI.V.RAJENDRAN

RESPONDENTS:

1. CHIEF ENGINEER,
IRRIGATION & ADMINISTRATION,
THIRUVANANTHAPURAM.
2. ASSISTANT EXECUTIVE ENGINEER,
IRRIGATION NORTH SUB DIVISION,
KOZHIKODE.
3. G.WILFRED, HEAD CLERK,
M.I.SUB DIVISION, KALPETTA,
WAYANAD.

BY GOVERNMENT PLEADER SRI.BEJOY CHANDRAN

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR
ADMISSION ON 16/10/2007, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING:

V.GIRI, J.

W.P.(C).No.30215 of 2007 V

Dated this the 16th day of October, 2007.

JUDGMENT

The petitioner is due to retire on 30.6.2008. He was originally posted at Kozhikode under Ext.P1 dated 19.7.2007 issued by the Chief Engineer from Sulthan Bathery, where he was working as Head Clerk in K.R.P.Sub Division. But he took charge at Kozhikode. By Ext.P2 dated 20.9.2007 he has now been shifted to K.R.B.Sub Division, Vazhakkad. The petitioner is aggrieved by the said order. He contends that the transfer effected under Ext.P2 insofar he is concerned is only to accommodate the 3rd respondent at Kozhikode.

2. Learned Government Pleader, on instructions, submits that Vazhakkad is one of the places of choice indicated by the petitioner in a request submitted prior to Ext.P1 and the present place of posting under Ext.P2 was in acknowledgment of the same.

3. Learned counsel for the petitioner submits that once the petitioner is posted at Kozhikode, the options which

had been indicated earlier obviously ceased to be relevant. Therefore, there is no meaning in giving a posting to the petitioner in Vazhakkad, taking note of an option, which had been given prior to Ext.P1. He reiterates that the transfer effected under Ext.P2 is only to accommodate the 3rd respondent.

4. In my view, it is not necessary to consider the validity of Ext.P2 insofar as the petitioner is concerned, at this stage, especially because the stand taken by the Department is that the place of posting given to the petitioner under Ext.P2 was only in acknowledgment of the choice indicated even prior to Ext.P1. But, at the same time, having been posted at Kozhikode under Ext.P1, normally the petitioner is entitled to be retained there, especially in view of the fact that he is due to retire in June, 2008.

5. Without expressing any final opinion in this regard, I direct the petitioner to approach the Chief Engineer by means of a representation detailing his grievance as against Ext.P2. If such a representation is filed within two weeks from today, the Chief Engineer shall take steps to

W.P.(C).No.30215 of 2007

:: 3 ::

redress suitably the grievance of the petitioner, taking note of the fact that he is due to retire in June, 2008. Needful shall be be done within a period of two months.

Writ petition is disposed of as above.

Sd/-
(V.GIRI)
JUDGE

sk/

//true copy//